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this Memorandum Decision shall not be
regarded as precedent or cited before
any court except for the purpose of
establishing the defense of res judicata,
collateral estoppel, or the law of the case.

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**IN THE
COURT OF APPEALS OF INDIANA**

RITA and ROBERT BECK,

Appellants-Plaintiffs,

vs.

CAROL CRAMER, CHRISTIAN HASKIN and
JEFFREY PEEK,

Appellees-Defendants.

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No. 29A04-0612-CV-755

APPEAL FROM THE HAMILTON SUPERIOR COURT
The Honorable J. Richard Campbell, Judge
Cause No. 29D04-0603-SC-276

June 22, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Rita Beck and Robert Beck appeal from the small claims court's denial of their "Petition to Reverse Order Dismissing Cause" following the dismissal of their complaint with prejudice. However, because the Becks did not timely file their notice of appeal, we do not reach the merits of their contentions on appeal.

We dismiss.

FACTS AND PROCEDURAL HISTORY

On March 7, 2006, the Becks filed a complaint against Carol Cramer, Christian Haskin, and Jeffrey Peek (collectively, "Cramer") alleging the removal "without authorization" of certain personal property worth \$5,646. Appellees' App. at 1. Cramer filed a motion to dismiss the complaint, and the small claims court scheduled a hearing for September 20. At that hearing, Cramer appeared, by counsel, but the Becks failed to appear. At the conclusion of the hearing, the small claims court dismissed the Becks' complaint with prejudice.

On September 29, the Becks filed a "Petition to Reverse Order Dismissing Cause," but that pleading was neither signed nor served on Cramer. The small claims court denied that petition on October 3. On October 25, the Becks filed a second "Petition to Reverse Order Dismissing Cause," but that pleading was also not signed or served on Cramer. The small claims court denied that petition. Finally, on November 22, the Becks filed a "Motion to Modify Judgment," which, again, was not signed or served on Cramer. The small claims court denied that motion on December 27.

On December 29, 2006, the Becks filed a notice of appeal. According to the Appellants' Case Summary, the Becks purport to be appealing from the court's November 29 order denying their "Petition to Reverse Order Dismissing Cause." However, they did not attach a copy of that order to their case summary. Instead, they attached copies of the court's September 20 and December 27 orders.

DISCUSSION AND DECISION

Although we prefer to dispose of cases on their merits, where an appellant fails to substantially comply with the appellate rules, then dismissal of the appeal is warranted. Angleton v. Estate of Angleton, 671 N.E.2d 921, 924 n.3 (Ind. Ct. App. 1996), trans. denied. Indiana Rule of Appellate Procedure 9(A) provides that a party initiates an appeal by filing a notice of appeal with the trial court clerk within thirty days after the entry of a final judgment. Further, if a party timely files a motion to correct error, a notice of appeal must be filed within thirty days after the court's ruling on that motion. Ind. Appellate Rule 9(A).

Here, the small claims court granted Cramer's motion to dismiss with prejudice on September 20, 2006, and that order was a final judgment. On September 29, the Becks filed a "Petition to Reverse Order Dismissing Cause," which the court denied by order on October 3. As such, even assuming that the Becks' Petition constituted a proper motion to correct error,¹ the deadline for the Becks' notice of appeal was thirty days after the court's October 3 order, or November 2, 2006. Because the Becks did not

¹ For purposes of this appeal, we need not determine whether that Petition, which was neither signed by the Becks nor served upon Cramer, constituted a motion to correct error.

file a notice of appeal until December 29, 2006, their notice of appeal was untimely. In light of that flagrant violation of our appellate rules, we must dismiss this appeal.²

Dismissed.

RILEY, J., and BARNES, J., concur.

² Throughout their brief on appeal, the Becks ask us to give special consideration to the fact that they are pro se. We remind the Becks that pro se litigants are held to the same standard regarding rule compliance as are attorneys duly admitted to the practice of law and must comply with the appellate rules to have their appeal determined on the merits. Gentry v. State, 586 N.E.2d 860, 860 (Ind. Ct. App. 1992).